

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-8, drawn to a polymer composition;

Group II: Claims 9-14, drawn to an organic thin film transistor;

Group III: Claims 15-22, drawn to a method of manufacturing an organic thin film transistor.

Applicants have elected, with traverse, the claims of Group I, claims 1-8, for examination in this application. Additionally, as a single disclosed species for examination purposes only, Applicants elect, with traverse, the compounds of Formula (I) of claim 1, identified in the Action as species (a).

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Examiner has characterized groups II and I as being related as combination and subcombination. Citing MPEP 806.05(c), the Examiner notes that inventions in this relation are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. The Examiner has misapplied the requirements. Group II in this case is the combination. Group I is the subcombination. Accordingly, since Group II claims (such as claim 9) specifically depends from Group I, and requires all the elements of Group I claims, such as claim 9 being dependent on claim 1, the

first prong of the test is not met. Accordingly, the Examiner has not made a satisfactory showing of distinctness and the requirement should be withdrawn.

The Examiner has stated that Groups III and I are related as process of making and product made. Citing MPEP 806.05(f), the Examiner notes that inventions in this relationship are distinct if it can be shown (1) that the process as claimed can be used to make other and materially different product(s), or (2) that the product as claimed can be made by another and materially different process. The Examiner further states in the present case, the product as claimed can be made by a materially different process such as using different solvent but the same functionality in the first step. However, this statement does not withstand scrutiny, since claim 15 of Group III merely recites a "solvent", but not a specific solvent. Accordingly, the Examiner's statement that the product can be produced by a materially different process by using a "different solvent" does not show the groups to be distinct, since even the "different solvent" would fall within the process of Group III as claimed. As such, the Office has not met its burden in showing the groups to be patentably distinct and the restriction should be withdrawn

Moreover, MPEP §803 states:

"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Applicants have elected, with traverse, a single species for examination purposes only, namely the species of Formula (I) of claim 1. Should the Examiner find no prior art to render the elected species unpatentable, Applicants note that the search should be expanded.

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Further, Applicants reserve the right to request rejoinder of the method claims of Group III upon an indication of allowability for the claims of Group I.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



J. Derek Mason, Ph.D.  
Attorney of Record  
Registration No. 35,270

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)